

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MICHAEL N.B. ATTAWAY,

Plaintiff,

vs.

**AMANDA TALAMANTES,
and CRAWFORD COUNTY JAIL
ADMINISTRATOR,**

Defendants.

Case No. 23-cv-02771-JPG

ORDER DISMISSING CASE

GILBERT, District Judge:

This case is 1 of 22 filed by Plaintiff Michael Attaway in this district between June 2023 and June 2024. *See also* Case Nos. 23-cv-2091; 23-cv-2168; 23-cv-2445; 23-cv-2613; 23-cv-2757; 23-cv-2946; 23-cv-3083; 23-cv-3219; 23-cv-3261; 24-cv-0689; 24-cv-1079; 24-cv-1080; 24-cv-1081; 24-cv-1117; 24-cv-1395; 24-cv-1454; 24-cv-1561; 24-cv-1562; 24-cv-1563; 24-cv-1564; and 24-cv-1565. He was released from custody in June 2024.

Since then, Attaway has largely ceased participation in his pending litigation. By early November, 6 cases were dismissed for lack of prosecution, *i.e.*, Case Nos. 24-cv-1081; 24-cv-1117; 24-cv-1395; 24-cv-1562; 24-cv-1563; and 24-cv-1564. Given this, it was unclear whether Attaway intended to pursue his claims herein. On November 14, 2024, the Court entered an Order to Show Cause requiring Attaway to file written notice of his intent to proceed with his claims by December 5, 2024, and warning him that this action would be dismissed if he failed to respond:

. . . Plaintiff shall have 21 days to inform the Court if he wishes to proceed in the present matter. On or before December 5, 2024, Plaintiff must file a notice expressing his desire to proceed or notifying the Court that he wishes to withdraw this matter. **If Plaintiff fails to respond, this action will be dismissed for failure to prosecute.**

Id. (emphasis added). Plaintiff did not respond to the show cause order, and the deadline for doing so has expired.

Since entry of the show cause order in mid-November, five more cases have been dismissed for non-prosecution, *i.e.*, Case Nos. 23-cv-2168 (dismissed Nov. 14, 2024); 24-cv-1079 (dismissed Dec. 2, 2024); 24-cv-1454 (dismissed Dec. 10, 2024); 24-cv-1561 (dismissed Dec. 10, 2024); and 24-cv-1565 (dismissed Dec. 10, 2024). This includes one case where Attaway failed to appear for a hearing on a pending motion for summary judgment on the issue of exhaustion of administrative remedies in late October 2024. *See* Case No. 23-cv-2168.

The Court is vested with authority to dismiss a lawsuit *sua sponte* when a plaintiff has failed to prosecute his claims with due diligence. *See* FED. R. CIV. P. 41; *William v. Chicago Bd. of Educ.*, 155 F.3d 853, 857 (7th Cir. 1998) (district court inherently possesses authority to dismiss case *sua sponte* for want of prosecution). Dismissal is one of the tools available to a district court to “achieve the orderly and expeditious disposition of cases.” *Id.*; *Harrington v. City of Chi.*, 433 F.3d 542 (7th Cir. 2006) (district courts have the inherent power to remedy dilatory conduct by dismissing a case for want of prosecution without a motion from the opposing party); *Fischer v. Cingular Wireless, LLC*, 446 F.3d 663 (7th Cir. 2006) (district court did not abuse its discretion by dismissing lawsuit with prejudice for failure to prosecute without giving plaintiff explicit warning). The Court will exercise its authority here.

Given Attaway’s failure to respond to the Order to Show Cause (Doc. 90) in this case and the contemporaneous dismissal of 11 other cases for non-prosecution, the Court now finds that Attaway has abandoned his claims herein. This case shall be dismissed for failure to comply with a Court Order (Doc. 90) and for failure to prosecute. *See* FED. R. CIV. P. 41(b); *Lucien v. Brewer*,

9 F.3d 26, 28 (7th Cir. 1993). The dismissal of this action shall be without prejudice, and all pending motions (Docs. 64, 70, 73, and 78) shall be terminated.

Disposition

This action is **DISMISSED** without prejudice based on Plaintiff's failure to comply with the Court Order at Doc. 90 and his failure to prosecute his claims herein. FED. R. CIV. P. 41(b); *Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997). All pending motions (Docs. 64, 70, 73, and 78) are hereby **TERMINATED**.

The Clerk's Office is **DIRECTED** to close this case and enter judgment accordingly.

IT IS SO ORDERED.

DATED: December 12, 2024

s/ J. Phil Gilbert

J. PHIL GILBERT

United States District Judge